

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS,  
HOUSTON DIVISION

ERG RESOURCES, LLC  
Plaintiff,

v.

PETROLEUM SOLUTIONS  
INTERNATIONAL, LLC  
Defendant.

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C.A. No. 4:08-CV-00656

**ORDER GRANTING  
MOTION FOR PARTIAL SUMMARY JUDGMENT**

On this date came on for consideration the Motion for Partial Summary Judgment filed by Defendant and Third-Party Plaintiff, Petroleum Solutions International, LLC (“PSI”). Having considered the evidence and the briefs of counsel, the Court is of the opinion that there are no issues of material fact regarding the alleged liability of Plaintiff and Third-Party Defendant, ERG Resources, LLC (“ERG”), for the amount of the unpaid invoices totaling \$134,830.96, as to the State Tract 118 #74 and J.F. Wilburn “B” 6 wells in Chambers County, Texas, and the George E. Smith “A” #39, George E. Smith “A” #40, and Loustalot A-7 wells in Galveston County, Texas, as described in PSI’s motion. The Court further finds that PSI is entitled to recover its attorneys’ reasonable costs totaling \$\_\_\_\_\_ and fees totaling \$\_\_\_\_\_, associated with the filing of well liens and prosecuting its counterclaim in this matter. As such, PSI’s motion is meritorious and is in all things GRANTED.

Pursuant to FED.R.CIV.P. Rule 54(b), the Court has further determined that there is no just reason for delay in entering a separate final judgment on PSI’s claims and causes of action asserted against ERG as to PSI’s unpaid invoices as to the above wells. Therefore, the Court denies all relief not granted in this judgment and directs the clerk to enter a FINAL JUDGMENT granting all claims

and causes of actions asserted by PSI against ERG as to the above wells and awarding PSI the damages, costs and attorney's fees noted above, including pre-judgment interest and post-judgment interest at the rate of \_\_\_\_\_, against ERG.

SIGNED this the \_\_\_\_\_ day of \_\_\_\_\_, 2011, at Houston, Texas.

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Gray H. Miller  
UNITED STATES DISTRICT JUDGE

APPROVED AND ENTRY REQUESTED:

/s/ Lewis E. Henderson

Lewis E. Henderson

*Attorney for Defendant,*

*Petroleum Solutions International, LLC*